

### **REMARKS**

Applicants respectfully request entry of the foregoing preliminary amendment to facilitate prosecution of the application. Upon entry of the amendment claims 1-8, 10-22, and new claims 24 and 25 are pending, with claims 9 and 23 canceled without disclaimer of, or prejudice to, the matter contained therein.

The amendments to the specification correct typographical errors and remove hyper-link. The specification is amended to clarify that the Kozak sequence ACCATG (SEQ ID NO:8) is positioned 3' (i.e., downstream) of the promoter operably-linked to the transposase. Also, the specification is amended at page 70 to describe that for the construct shown as SEQ ID NO:7 (page 67), base pairs 1780-1785 are the Kozak sequence, and base pairs 1783-2987 are the coding sequence for the modified transposase. Support for these amendments of the specification is found in the specification at page 68, lines 3-12, describing construction of the vector of SEQ ID NO: 7, with positioning of the Kozak sequence to include the start codon for the transposase, and specifically identifying changes in the wobble positions of the codons for the first 10 amino acids of the transposase protein. Also, support is found in the vector of SEQ ID NO:7; the Kozak sequence of SEQ ID NO:8 (ACCATG); and the published sequence for the transposase Tn10 (GenBank accession J01829; referred to at page 70, line 17 of the specification). Thus, an analysis of these sequences shows that the Kozak sequence is included in base pairs 1780-1785 of SEQ ID NO:7, and that the modified Tn10 transposase coding sequence begins at base 1783. Also, the numbering of the Kozak sequences at page 19 is corrected to agree with the sequences provided in Appendix A.

Also, claim 1 is amended to refer to both prokaryotic and eukaryotic transposons as described in the specification at pages 19-20, and claim 22 is amended to describe that the vector may comprise a composition having a carrier as described in the specification at page 59, lines 10-12. Amended claim 14, and new claim 24 describe that the vector may comprise: (a) a Kozak sequence positioned so as to include at least the first codon of the transposase gene; (b) two stop codons operably-linked to the transposase gene; (c) a modified transposase gene sequence, wherein at least one of the first twenty codons of the transposase gene is modified by changing a nucleotide at a third base position of the codon to an adenine or thymine without modifying the amino acid encoded by the codon; or (d) a polyA sequence operably-

linked to the transposase. Support for this amendment is found, for example, in the specification at pages 18-19. New claim 25 describing that the vector may encode a small inhibitory RNA is supported by the specification, e.g., at page 6, lines 24-26, page 10, lines 15-21, Figure 4 and its associated text, and pages 45-46. Other amendments are made to revise the syntax and/or designation of claim dependency. Accordingly, no new matter is added by the amendment of the specification or claims.

**CONCLUSION**

In view of the foregoing amendment and remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections. The Examiner is respectfully invited to telephone the undersigned at (404) 745-2470 to discuss any questions relating to the application.

Respectfully submitted,

Date: June 22, 2006

John K. McDonald  
John K. McDonald (Reg. No. 42,860)

KILPATRICK STOCKTON LLP  
Suite 2800  
1100 Peachtree Street  
Atlanta, GA 30309-4530  
Phone: (404) 745-2470  
Facsimile: (404) 815-6555

51687-331126  
9361842.1